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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,265	04/06/2000	Haruo Machida	35.C14410	7612

5514 7590 08/03/2004

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NEW YORK, NY 10112

EXAMINER

ZHEN, WEI Y

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/544,265

Applicant(s)

MACHIDA, HARUO

Examiner

Wei Y Zhen

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13, 15-21, 23-29, 31-33, 35-42, 44-51, 53-60, 62-68 and 89-111 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-13, 15-21, 23-29, 31-33, 35-42, 44-51, 53-60 and 62-68 is/are allowed.
- 6) ☒ Claim(s) 89-111 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/23/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the amendment filed on 4/23/2004.
2. Claims 1-5, 7-13, 15-21, 23-29, 31-33, 35-42, 44-51, 53-60, 62-68, 89-108, 109-111 are pending.
3. Claims 6, 14, 22, 30, 34, 43, 52, 61, 69-88 have been cancelled.
4. The rejections under 35 USC 101 to claims 25-32, 60-68, 84-88, and 104-108 are withdrawn in view of applicant's amendment.
5. The rejections to claims 5-8, 13-16, 21-24, 29-32, 34-41, 43-50, 52-59, 61-88 under 35 U.S.C. 112, second paragraph are withdrawn in view of applicant's amendment.
6. The objections to claims 4, 12, 20 and 28 are hereby withdrawn in view of applicant's amendment.
7. The rejections to claims 1-5, 7-13, 15-21, 23-29, 31-33, 35-42, 44-51, 53-60, 62-68 under 35 U.S.C. 102 or 103 rejections are hereby withdrawn in view of applicant's amendments and arguments.
8. Claims 1-5, 7-13, 15-21, 23-29, 31-33, 35-42, 44-51, 53-60, 62-68 are allowed.
9. Claims 89-108 are rejected under 35 U.S.C. 102(e) as being unpatentable over Dodson (U.S. Patent Number 6,513,159) in view of Frailong et al, (U.S. Patent Number 6,230,194).
10. Claims 109-111 are rejected under 35 U.S.C. 102(e) as being unpatentable over Frailong et al, (U.S. Patent Number 6,230,194) in view of Dodson (U.S. Patent Number 6,513,159).

Claim Rejections - 35 USC § 103

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11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 89-108 are rejected under 35 U.S.C. 102(e) as being unpatentable over Dodson (U.S. Patent Number 6,513,159) in view of Frailong et al, (U.S. Patent Number 6,230,194).

In regard to Claim 89, Dodson teaches: (a) receiving means for receiving update trap notification including version information of a driver for a peripheral device from sthe external computer(Column 5, lines 29-43); (b) recognizing means for recognizing version information of a driver for a peripheral device incorporated in the information processing apparatus (Column 7, lines 14-15); and (c) updating means for updating said driver based on the version information of said driver in the update notification and version information of said incorporated driver (Column 5, lines 29-43 and Column 7, lines 57-60 and Column 8, lines 3-13).

Dodson does not explicitly disclose wherein the update trap notification is sent from the external computer without waiting for a request for sending the update trap notification from said information processing apparatus.

However, Frailong et al discloses sending update trap notification from a external computer without waiting for a request for sending the update trap notification from a user (Fig. 10).

Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching of Frailong et al into the teaching of Dodson to have the update trap

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notification is sent from the external computer without waiting for a request for sending the update trap notification from said information processing apparatus because it provides an efficient method to notify the availability of updates automatically.

In regard to Claim 90, Dodson teaches that a driver is installed only if the acquired version is newer than the recognized version (Column 7, lines 57-60 and Column 8, lines 3-13).

In regard to Claim 91, Dodson teaches installing the driver from an external device (Column 7, lines 20-22).

In regard to Claim 92, Dodson teaches that drivers are only compared if the peripheral device that needs the driver is installed on a computer and needs an updated driver (Figure 7, item 725 and associated text).

In regard to Claim 93, Dodson teaches that drivers are only compared if the peripheral device that needs the driver is installed on a computer and needs an updated driver (Figure 7, item 725 and associated text). Hence, a driver will not be updated if the peripheral for the driver does not exist on a computer.

Claims 94-98 are rejected for the reason set forth in the rejections of claims 89-93.

Claims 99-103 are rejected for the reason set forth in the rejections of claims 89-93.

Claims 104-108 are rejected for the reason set forth in the rejections of claims 89-93.

12. Claims 109-111 are rejected under 35 U.S.C. 102(e) as being unpatentable over Frailong et al, (U.S. Patent Number 6,230,194) in view of Dodson (U.S. Patent Number 6,513,159).

As per claim 109, Frailong et al discloses memory means for storing at least one software (Fig. 3); recognition means for recognizing that a new software has been added to said memory means and transmission control means for controlling, in response to a recognition by

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said recognition means (Fig. 10 1002-004), a transmission process of transmitting an update notification indicating that the new software has been added to said memory means to the client apparatus prior to receiving a request for the notification from the client apparatus (Fig. 10 1006).

Frailog et al does not explicitly the software is a device driver.

However, Dodson discloses adding new device driver (see abstract).

Therefore, it would have been obvious to one having ordinary skill in the art to incorporate the teaching of Dodson into Frailog to have the software to be a device driver because it provides an efficient method to update device driver automatically.

Claims 110-111 are rejected for the reason set forth in the rejection of claim 109.

Response to Arguments

13. Applicant's arguments with respect to claims 89-108 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

14. The following is an examiner's statement of reasons for allowance: the cited prior arts taken alone or in combination fail to disclose, in combination with other claimed limitations, acquiring means for acquiring the device information of a peripheral device shared on said network from said external device, installation controlling means for acquiring driver setting information instructed to be installed by said instructing means from said external device to execute automatic installation processing of said driver as recited in independent claims 1, 9, 17

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and 25 and as pointed out on pp. 36-37 of the remarked filed on 4/23/2004; the cited prior arts taken alone or in combination fail to disclose, in combination with other claimed limitations, system display controlling step for displaying, on a display section, an overall system condition of said peripheral device shared on said network, and a system condition of a user network of a peripheral device arbitrarily selected from said overall system condition together with icons by a user interface in such a manner that these the overall system condition and the system condition of the user network can be identified, on a basis of said device information acquired from said external device by said device information acquiring step; wherein said system controlling step dividedly displays a system window for displaying said overall system condition and a peripheral window for displaying said system condition of a desired peripheral device designated by a user as recited in independent claims 33, 42, 51 and 60 and as pointed out on p. 38 of the remarked filed on 4/23/2004.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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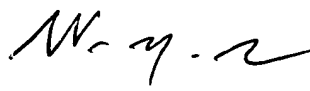
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wei Y Zhen whose telephone number is (703) 305-0437. The examiner can normally be reached on Monday-Friday, 8 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wei Zhen
Primary Examiner
7/21/2004


WEI Y. ZHEN
PRIMARY EXAMINER